

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

SHELBY LATRICE MCDOWELL

PLAINTIFF

NO. 4:17CV00059--JMV

**NANCY BERRYHILL,
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying a claim for supplemental security income benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law, and having heard oral argument, finds as follows:

Consistent with the court's ruling from the bench during a hearing held July 17, 2018, the court finds the ALJ's residual functional capacity ("RFC") assessment is not supported by substantial evidence in the record. Specifically, the ALJ failed to properly consider the medical source opinion of the claimant's treating eye specialist, failed to fully consider the medical source opinions of Dr. Robert Shearin, and failed to fully consider the medical source opinions of Dan Murphy, Ph.D. The ALJ rejected medical source opinions of Dr. Sandra Bright regarding the claimant's vision limitations without adequate explanation and without the support of a competent medical opinion. Likewise, the ALJ effectively rejected medical source opinions

regarding the claimant's physical (e.g., need for a sit/stand option) and mental limitations (e.g., poor ability to function independently)—rendered by Dr. Shearin and Dr. Murphy, respectively—in favor of the contrary opinions of non-examining state agency physicians who did not have the benefit of the claimant's full medical file.

On remand, the ALJ must reconsider the functional limitations associated with the claimant's medically determinable impairments and give new consideration to the opinions of Drs. Bright, Shearin, and Murphy. To the extent the ALJ needs clarification of or further explanation for any of these medical opinions, the ALJ must recontact the appropriate physician. The ALJ must provide an explanation, supported by substantial evidence already in the record, for rejecting any medical source opinion. Ultimately, the ALJ must make a new RFC determination that is supported by substantial evidence in the record. And, to the extent necessary, the ALJ will obtain supplemental vocational expert testimony on the issue of whether there is any work the claimant can perform, considering her limitations.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is REVERSED and REMANDED for further proceedings.

This, the 23rd day of July, 2018.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE